

ORIGINAL

Approved by: Erica
ERICA SOLOSKY
Special Assistant United States Attorney

Before: THE HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York

19mj 6051

UNITED STATES OF AMERICA	:	MISDEMEANOR
	:	<u>COMPLAINT</u>
	:	
-v-	:	Violation of
	:	NYPL 145.00
	:	
AUDREY L. ANDERSON	:	
	:	COUNTY OF OFFENSE:
Defendant	:	WESTCHESTER
	:	

SOUTHERN DISTRICT OF NEW YORK, ss:

Anthony Luciano, being duly sworn, deposes and says that he is a Police Officer, assigned to the Department of Veterans Affairs Police Service, Montrose Veterans Administration Hospital, Montrose, New York, which is located in the Southern District of New York, and charges as follows:

COUNT ONE

On or April 1, 2019, at the Montrose Veterans Administration Hospital, Montrose, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, AUDREY L. ANDERSON, the defendant, unlawfully, knowingly and willfully damaged property belonging to another person, to-wit, defendant scratched the passenger side door and trunk of a vehicle belonging to Michelle Adams.

(New York Penal Law 145.00)

COUNT TWO

On or April 3, 2019, at the Montrose Veterans Administration Hospital, Montrose, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York,

AUDREY L. ANDERSON, the defendant, unlawfully, knowingly and willfully damaged property belonging to another person, to-wit, defendant scratched the driver side door and near rear of vehicle on that side of a vehicle belonging to Michelle Adams.

(New York Penal Law 145.00)

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

1. I am a Police Officer, assigned to the Department of Veterans Affairs Police Service, Montrose Veterans Administration Hospital, Montrose, New York, which is located in the Southern District of New York.
2. On or about April 1, 2019 at approximately 09:30 a.m., food and nutrition service work leader, Michelle Adams, went into police services at the VA hospital in Montrose NY to report that someone had scratched her brand new vehicle.
3. Officer Mendoza walked outside and observed a long scratch mark that reached from the middle of the passenger's side front door through the passenger's side rear door and ended near the gas compartment. Officer Mendoza also noticed scratch marks on the back side of the vehicle. Photographs were taken of all the scratch marks.
4. Officer Mendoza then took Adams inside to get her statement. Adams stated worked the previous day, 3/31/19 from 06:00 a.m. to 2:30 p.m., and did not have scratch marks on her vehicle when she arrived at work. Adams stated after work she drove straight home and did not use the car again. Adams stated that she lives in a house with private parking and does not park her car on the street. She further stated the car is brand new. Adams indicated she believed another Food and Nutrition worker, the defendant, was the one who keyed the her car. Adams stated they got into an argument on 3/31/19, after Adams had reported the defendant for placing the wrong utensils on trays. Adams stated the defendant had an attitude and left work early on 3/31/19 between 12:00 and 1:00 p.m. Adams stated she arrived to work on April 1 at about 6:05 a.m. and there were no scratches on her car. At 9:10 a.m., Adams stated she went back to her car to go to the bank. When she arrived at the bank and walked around her car, she noticed the scratches. She then came to police services to report it. Adams completed a written statement.
5. On April 1, 2019, SGT Farrell reviewed the SSTV footage for Bldg 5 from 3/31/19. He noted Adam's vehicle was parked on the East end of the lot, nosed into the curb. The spot

Adams was parked in had safety striping painted on both sides of the spot and this prevents any cars from parking next to her vehicle. The SSTV camera is directly above the door of Bldg 5 and provided an unobstructed view of Adam's vehicle, including the passenger side where the damage was located. The video showed Adams arriving in the parking lot at 05:40 a.m. and parked her vehicle. She and another female then get out and go into Bldg 5. The vehicle remained at that location until Adams left at 2:19 p.m. During the time she was on VA property, no one approached her vehicle on 3/31/19.

6. On April 2, 2019, at approximately 08:30 a.m., Investigator Luciano conducted a review of the video surveillance obtained by SGT Farrell and discovered on April 1, 2019 at approximately 06:15 a.m., a black female is observed walking through the parking lot towards Bldg 5 entrance. The female, later identified as the defendant, is seen to stops next to another car and pause. The defendant then turns around and walks between Adams' vehicle and another vehicle. The defendant is then observed extending her left hand and dragging it against Adams' passenger side quarter panels and doors. The defendant's hand drags from rear to front of Adams' vehicle. As she enters Bldg 5, she drops something into her large bag which appeared to be keys.

7. At approximately 08:45 a.m., Nutrition and Food Service Chief, Jaime Dean, arrived at Police Operations to assist with making an identification from the video footage of the suspect. Dean identified the female as the defendant.

8. On April 3, 2019 at approximately 09:15 a.m., the defendant was escorted to Police Operations where she was advised of her rights and the allegation against her. She invoked her rights and requested union representation. She was placed under arrest and processed.

9. On April 3, 2019 at approximately 10:00 a.m., Adams reported to Police Operation to report that someone had scratcher her car for a second time. Officer Mendoza went outside and observed a deep scratch mark on the driver's side door and another scratch mark towards the rear of the vehicle on the same side. Officer Mendoza noted these scratches were not present on April 1, 2019 when she had inspected the vehicle for the first complaint. Adams completed a written statement with regards to this incident.

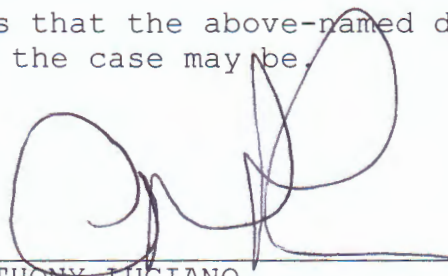
10. Investigator Luciano reviewed SSTV footage for April 3, 2019 and it revealed the defendant arriving to the parking lot at approximately 06:15 a.m. She is then seen

scratching Adams' vehicle on the driver's side with an unknown object.

11. On April 8, 2019, Adams provided Investigator Luciano with two estimates one was for damages done on April 1, 2019 in the amount of \$2351.91 and the other for damages done on April 3, 2019 in the amount of \$1208.75. Total amount of damage to the car was \$3569.66.

12. Defendant was issued one United States District Court Violation Notice for Criminal Mischief Fourth Degree (DCVN Number 6745478/SY53). The defendant was released on her own recognizance.

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.

A handwritten signature in dark ink, appearing to be 'Anthony Luciano', written over a horizontal line.

ANTHONY LUCIANO
VA Police Service

Sworn to before me this
27th day of June 2019

A handwritten signature in dark ink, appearing to be 'Martin R. Goldberg', written over a horizontal line.

HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York